

FINAL STATEMENT OF REASONS

No written comments were received in response to the Notice of Proposed Rulemaking and the Public Employment Relations Board (PERB or Board) did not rely on any material that was not available for public review prior to close of the public comment period. Additionally, no modification has been made to the text of the proposed regulations originally noticed to the public.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE PUBLIC HEARING

No public comment was made during the public hearing conducted on December 13, 2012.

CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, PERB has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

These regulations and changes will improve the public sector labor environment and the collective bargaining process by clarifying PERB procedures, making the Board's processes more transparent and accessible, and updating regulations consistent with current law. The changes will also reinforce the neutrality of PERB and SMCS procedures and result in some cost savings for local government agencies.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: Final determination of the agency is that the proposed action would not impose any new mandate.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 et seq: Final determination of the agency is that the proposed action would not impose any new costs, and therefore requires no reimbursement.

Other non-discretionary cost or savings imposed upon local agencies: None

Costs or savings to state agencies: Final determination of the agency is that there will be minimal impact on the PERB budget with savings to public agencies, employee organizations and employees.

Cost or savings in federal funding to the state: None

Cost impact on representative private persons or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: Final determination of the agency is that the proposed action will have no impact.

Significant effect on housing costs: The agency's final determination is that there is no effect on housing costs.

The proposed regulations will not affect small business because they only affect public employers and public employees.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

PERB has not identified any reasonable alternatives to the proposed regulations. The majority of this rulemaking package is intended to merely effectuate the direction contained in Senate Bill 1038 (Chapter 46, Statutes 2012) to transfer SMCS to PERB, whereas the regulations of SMCS shall remain in effect and shall be deemed to be regulations of the PERB. Additionally, no reasonable alternative was discovered by and through written comments, as none were received, or comments made during the public hearing.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

PERB has not identified any alternatives that would lessen any adverse impact on small business and has not identified any adverse impacts on small businesses as a result of these proposed regulations.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS RELIED UPON; ECONOMIC IMPACT ASSESSMENT

Other than PERB's budget and SMCS's budget reports for the prior two years, PERB did not rely upon any other technical, theoretical, or empirical studies, report or documents in proposing the adoption of these regulations. The adoption of the proposed amendments and sections will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The adoption of the proposed amendment will benefit public employers, employees, employees' representatives and the community at-large by further facilitating the resolution of public sector labor disputes by clarifying PERB procedures, making the Board's processes more transparent and accessible, and will eliminate redundancies. In so doing, California residents' welfare

will receive the benefit of stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that these employers and employees provide to California communities. The current year-to-date revenue for election services is approximately \$7,500.00. PERB's final determination is that these proposed regulations will result in the minor additional expenditure of approximately \$10,000.00 in the current fiscal year, which will be absorbed within PERB's existing budget and resources.

MANDATED USE OF SPECIFIC TECHNOLOGIES OR EQUIPMENT

PERB's proposed regulations do not mandate the use of any specific technologies or equipment.